

DOCKET NO. HARR0032-101
APPLICATION SERIAL NO. 10/607,479
SUPPLEMENTAL AMENDMENT DATED SEPTEMBER 12, 2006

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REMARKS

Applicants have assumed entry of their response filed on August 22, 2006. Assuming the same, claims 2, 5-22, and 26 to 28 are pending.

Following the filing of the response filed on August 22, 2006, Examiner Priebe contacted the undersigned telephonically suggesting certain additional amendments. Pursuant to MPEP 713.04, Applicants herein summarize the substance of the telephonic interview which occurred on August 31, 2006. The claims discussed specifically were claims 2, 6, 19, and 22. The Examiner suggested the change from a comma to a semi-colon in line 4 of claim 2, replacing the word "therapeutic" with the word "expressible" in claim 6, reordering claim 19, and inserting the word "isolated" before "host cell" in claim 22. The amendment to claim 2 is grammatical. Support for the amendment to claim 6 can be found, *inter alia*, in claim 2 as originally filed. Applicants expect that claim 19 will be reordered by the Office. Support for the amendment to claim 22 is implicit from the claim itself.

The Office has requested the amendment to claim 22 because, in its view, claim 22 would otherwise read on the cell in a human, since "host cell," as defined in the specification, includes any mammalian cell. Applicants disagree with this interpretation. Applicants respectfully submit that, whenever a transfected host cell *per se* is claimed, one skilled in the art would not view that claim to cover a transfected host cell *in vivo* or *in situ*. Applicants' view was apparently shared by the Office when U.S. Patent No. 6,608,037 issued, i.e., August 19, 2003, as Applicants were not required to recite the word "isolated" before host cell in the claims of that issued patent.

As the interview was telephonic, no exhibit was shown, nor was any demonstration conducted.

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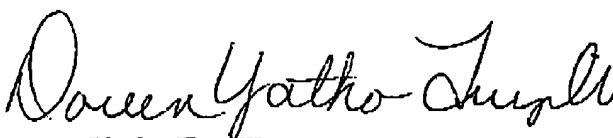
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CONCLUSION

Applicants respectfully submit that the current application is in condition for allowance and request early notification of the same.

Respectfully submitted,

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